

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAY-VEE, INC.,

Plaintiff,

v.

ANNE WITTEMAN, FREEK OLGERS,  
PIETER DE VRIES, AND  
JASPER PALSTRA, doing business as  
THE VERBS,  
ROBBIE ADAMS, LESLEY BOYLE  
CHARLIE MARR AND MARTIN BLACK,  
doing business as THE VERBS, and  
ANNE WITTEMAN, FREEK OLGERS,  
PIETER DE VRIES, JASPER PALSTRA,  
ROBBIE ADAMS, LESLEY BOYLE  
CHARLIE MARR and  
MARTIN BLACK, individually,

Defendants.  
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Docket No.: 07 Civ. 6954 (NRB) (DCF)

**DECLARATION OF  
ELIZABETH ELFELD**

ELIZABETH ELFELD, declares the following to be true pursuant to 28 U.S.C. § 1746:

1. I am the President of American Trademark Investigations, Inc. ("ATI"), a professional investigative firm which specializes in Intellectual Property matters. I submit this declaration in support of the motion of plaintiff Jay-Vee, Inc. ("Jay-Vee"), for an order permitting substitute service of process on defendants Anne Witteman, Pieter De Vries and Jasper Palstra, Robbie Adams, Lelsey Boyle, Charlie Marr and Martin Black. Plaintiff seeks to serve by means of electronic mail a copy of the summons and complaint, together with a copy of this Court's order, to the electronic mail addresses found at the defendants' respective websites, <http://www.myspace.com/theverbkeeponswinging> and <http://www.myspace.com/theverbsfife>. I have personal knowledge of the facts and circumstances set forth in this declaration.

2. I conducted Internet searches at dogpile.com; copernic.com; google.com and yahoo.com for the band members: Anne Witteman, Freek Olgers, Pieter De Vries, Jasper Palstra, Robbie Adams, Lesley Boyle, Charlie Marr and Martin Black which met with negative results for any viable contact.

3. In addition, I searched within a people locator search at Zoom Info and www.pipl.com, a United Kingdom on-line directory, a Party Sounds UK Bands database, Jam Base at www.jambase.com, www.tinymixtapes.com and a Profound database (compilation of newspaper and magazine articles), but all of these searches proved negative for any listing for The Verbs in both the U.K. and Fife, Scotland or the individual defendants

4. The MySpace website <http://www.myspace.com/theverbkeeponswinging> identified the band website [www.theverbs.nl](http://www.theverbs.nl). I conducted a WhoIs database search for TheVerbs.nl lists and found the registrant to be Freek Olgers at Obrechtstraat 163, 2517VS 'S-Gravenhage, Netherlands. However, the website [www.theverbs.nl](http://www.theverbs.nl) is not viable and we were unable to locate any archived pages from the site.

5. I conducted searches for additional domain registrations wherein Freek Olgers is listed as registrant. My searches provided the following: (1) Tuned-in-.nl and (2) Onlineworkspace.net. The Tune-in-.nl site is not viable, but lists same address as TheVerbs.nl at Obrechtstraat 163, 2517VS 'S-Gravenhage, Netherlands. The Onlineworkspace.net site forwards to [www.fcodesign.com](http://www.fcodesign.com) which is a web listing company. The domain onlineworkspace.net lists registrant as Freek Olgers at same address and provides an electronic mail address of [freek@fcodesign.com](mailto:freek@fcodesign.com) as well as a telephone number: 31-645-144-745.

6. On September 4, 2007 I telephoned Freek Olgers at 31-645-144-745 and spoke with him. I confirmed his current address at Obrechtstraat 163, 2517VS 'S-Gravenhage, Netherlands.

7. On September 5, 2007 I sent an electronic mail to The Verbs in Fife, Scotland through their MySpace website. Inasmuch as a reply was not received, I sent another electronic mail on September 10, 2007 and again on October 9, 2007. To date, I have not received a response.

8. I have exhausted all avenues of investigation.


9. A true and accurate copy of my September 4, 2007 report is attached hereto as Exhibit A.

10. A true and accurate copy of my September 6, 2007 report is attached hereto as Exhibit B.

11. A true and accurate copy of my September 10, 2007 report is attached hereto as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 31, 2007.

  
ELIZABETH ELFELD